IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 496 OF 2006.
IN
CRIMINAL APPEAL NO. 463 OF 2005.

Akbar Abdul @ Machabhai Shaikh ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Ms.Razia Shaikh for the Applicant.

Shri S.V.More, A.P.P.for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 19th October, 2006.

P.C.:

1. The Appeal is already admitted for final hearing. The Applicant has been convicted under section 306 of the Indian Penal Code. The substantive sentence is R.I. for 3-1/2 years. Initially the Applicant was granted bail. The Applicant was arrested in September 2004 and has thus completed two years and one month in custody. The Application is opposed by filing a reply by pointing out that there are four cases pending against the Applicant in various Courts in Mumbai. The Affidavit-in-reply discloses that in all the cases he has been enlarged on bail.

2. The Appeal is not likely to be heard before completion of the remaining period of sentence. In the light of the decision of the Apex Court in the case of Bhagwan Rama Shinde v/s. State of Gujarat, reported in (1999) 4 S.C.C,. page 421, the Applicant is entitled to

be enlarged on bail subject to stringent conditions considering the antecedents.

3. Hence the following order is passed:

i) The Applicant shall be enlarged on bail in the sum of Rs.10,000/- with one or two sureties in like amount. The bail is granted subject to condition that the Applicant will report to the Shahu Nagar Police Station, Mumbai, on every first Saturday of every calender month till disposal of the Appeal.

ii) The order of granting bail will be given effect to only after the Applicant produces evidence to show that he has deposited the fine amount.

Judge.